

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:
DEAN B. DAVIS,
Debtor.

CASE NO.: 14-04283-JAF

First Payment Due Date: October 2, 2014
Claims Bar Date: January 12, 2015
341: October 14, 2014 at 9:30am
Confirmation: November 18, 2014 at 1:30pm
Cont. Confirmation: February 3, 2015 at 1:30 PM

FIFTH AMENDED CHAPTER 13 PLAN

1. The future earnings or income of the Debtor(s) is submitted to the supervision and control of the Trustee.
2. The total of **\$2,915.00** per month, for months **1-10** and **\$3,000.00** for months **11-60** shall be submitted to the control of the Trustee for administration on behalf of creditors filing allowed claims, for a duration of **sixty (60)** months, i.e. the “life of the plan”, or, alternatively, until all such claims are paid in full.
3. The Trustee shall make the following disbursements from the payments so received:

A. PRIORITY CLAIMS

- (1) The fees and expenses of the Trustee shall be paid over the life of the plan at the rate of ten percent (10%) of the amount of all payments remitted under the plan.
- (2) **The Law Offices of Keith D. Collier** has an administrative priority claim in the amount of \$2,830.00. Upon confirmation the Trustee shall make payments of **\$1,202.00** per month, for months **1-2** and **\$426.00** for month **3**, with no interest, in order to satisfy this obligation. The Trustee shall also make payments of **\$25.00** per month, for months **1-36**, for monthly administrative fees.
- (3) The **Internal Revenue Service** has a priority claim in the amount of \$7,504.36 for past due personal taxes. The Trustee shall make payments of **\$131.67** per month, for months **4-60**, in order to satisfy this obligation.

B. SECURED CLAIMS

- (1) **Kondaur Capital Corporation (Account Ending In #7992)** has the first mortgage on the Debtor's principal residence located at (14661 Christen Dr., Jacksonville, FL 32218). The Trustee shall make the regular monthly payments of **\$1,295.99** for months **1-2** and **\$1,193.62** for months **3-60**, subject to periodic changes in accordance with variations in the prevailing discount rate and/or potential escrow advances paid by this secured creditor. The total arrearage on the mortgage payments is \$52,250.92, which includes late charges, reasonable pre-petition attorney's fees, and costs. The Trustee shall pay this creditor **\$916.69** per month, for months **4-60**, toward the arrearage to bring the mortgage payments current over the life of the plan.

- (2) **Hidden Lake Homeowners Association of Jacksonville, Inc** has a lien on the Debtor's principal residence located at (14661 Christen Dr., Jacksonville, FL 32218) in the amount of \$3,000.00. The Trustee shall pay this creditor **\$61.06** per month, from payments **4-60**, which includes six percent (6%) interest, for the life of the plan to satisfy this obligation. **Totaling \$3,479.90**
- (3) **US Bank Home Mortgage (Account Ending In #7122)** has the first mortgage on the Debtor's Ex wife's house located at (10560 Villanova Rd., Jacksonville, FL 32218). **The Debtor(s) surrender their interest in this property for full satisfaction of this debt.**
- (4) **TMX Finance of Florida, Inc (Account Ending In #2701)** holds a security interest in the Debtor's 2007 Ford Expedition in the amount of \$5,340.00. The Trustee shall pay this creditor **\$100.00** per month, for months **1-9** and **\$105.89** for month **10-60**, which includes six percent (6%) interest, for the life of the plan to satisfy this obligation. **Totaling \$6,194.23**
- (5) **Wells Fargo Bank, N. A. (Account Ending In # 1172)** holds a security interest in the Debtor's Open-End Revolving Credit Savings Account in the amount of \$269.15. **The debtor(s) surrender their interest in this account for full satisfaction of this debt.**
- (6) All secured creditors will retain their liens, pursuant to 11 U.S.C. 1325(a)(B)(i).

C. UNSECURED CLAIMS

- (1) Unsecured creditors, including those secured creditors having deficiency claims or whose liens have been avoided, shall receive distribution on a pro-rata basis after all administrative, priority and secured claims have been paid in full. The Trustee shall distribute the remaining monies paid into the plan, after payment of all other creditors under the plan, to said unsecured creditors.
- (2) Any claim filed after the last date to file claims, shall receive no distribution under this plan unless specifically provided for above.

D. GENERAL PROVISIONS

- (1) The Debtor(s) does not reject any executory contracts.
- (2) Title to all property in the estate shall re-vest in the Debtors upon confirmation of this plan.
- (3) Except as provided for in the plan, Student Loans and as to the United States Department of Education, the order confirming the plan or other court order, no interest, late charges, penalties or attorneys' fees will be paid to or accessible by any creditor. 11 U.S.C. Section 1327(a) provides: "The provisions of a confirmed plan bind the Debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan."
- (4) Confirmation of the plan shall impose an affirmative duty on the holders and/or the servicers of any claims secured by liens, mortgages and /or deeds of trust on the principal residence of the Debtors to do all of the following:
 - (A) To apply the payments received from the trustee on the prepetition arrearages, if any, only to such arrearages. For purposes of this plan, the "prepetition" arrears shall include all sums included in the "allowed" proof of claim and shall have a "0" balance upon entry of the Discharge Order in this case.

- (B) To deem the prepetition arrearages as contractually current upon confirmation of the plan, thereby precluding the imposition of late payment charges or other default-related fees and services based solely on the prepetition default or defaults.
- (C) To apply the direct post-petition monthly mortgage payments paid by the trustee or by the Debtors to the month in which each payment was designated to be made under the plan or directly by the Debtors, whether or not such payments are immediately applied by the creditor to the outstanding loan balance or are placed into some type of suspense, forbearance or similar account.

DATED: January 12, 2015

The Law Offices of Keith D. Collier

/s/ Keith D. Collier, Esquire
KEITH D. COLLIER
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Attorney for Debtor(s)

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

CASE NO.: **14-04283-JAF**

DEAN B. DAVIS,

Debtor(s).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the attached Debtor's Fifth Amended Chapter 13 Plan has been furnished by Electronic Mail/U.S. Mail to all parties of interest on the attached mailing matrix this 12th day of January 2015.

The Law Offices of Keith D. Collier, PLLC

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KEITH D. COLLIER
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Kondaur Capital Corporation

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113A-3

Case 3:14-bk-04283-JAF

Middle District of Florida

Jacksonville

Mon Jan 12 16:57:23 EST 2015

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 Los Angeles, CA 90051-5478

Dean B. Davis

14661 Christen Dr

Jacksonville, FL 32218-0828

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 Midland Funding LLC
 PO Box 268941
 Oklahoma City, OK 73126-8941

American InfoSource LP as agent for
 T Mobile/T-Mobile USA Inc
 PO Box 248848
 Oklahoma City, OK 73124-8848

Cap One
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 Carol Stream, IL 60197-5253

Cap One
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 Carol Stream, IL 60196

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 Salt Lake City, UT 84130-0285

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 Malvern, PA 19355-0701

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 Santa Ana, CA 92705-4931

Carrington Mortgage SE
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 Irvine, CA 92619-4285

City of Jacksonville
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 Jacksonville, FL 32202-5721

Coastline Federal Cred
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 Jacksonville, FL 32207-4920

Convergent Outsourcing
 800 SW 39th St
 Renton, WA 98057-4975

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Credit One Bank NA
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 ATTN BANKRUPTCIES
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 GREENWOOD VILLAGE CO 80155-6550

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 Jacksonville, FL 32256-2805

Duval County Tax Collector
 231 Forsyth St. #130
 Jacksonville FL 32202-3380

Er Solutions/Convergent Outsourcing, Inc
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First Premier Bank
 3820 N Louise Ave
 Sioux Falls, SD 57107-0145

Florida Dept. of Revenue
 Bankruptcy Unit
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 Jacksonville, FL 32207-3819

Frost - Arnet Company
 PO Box 1022
 Wixom, MI 48393-1022

GECRB/JC Penny
 Attention: Bankruptcy
 PO Box 103104
 Roswell, GA 30076-9104

Gecrb/Care Credit
 Attn: bankruptcy
 PO Box 103104
 Roswell, GA 30076-9104

Gemb/Walmart
 Attn: Bankruptcy
 PO Box 103104
 Roswell, GA 30076-9104

Green Tree
 PO Box 6172
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(p)INTERNAL REVENUE SERVICE
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Philadelphia, PA 19101-7346

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Fort Worth, TX 76161-0244

Southern Management
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Orlando, FL 32814-8966

Syncb/Care Credit
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Syncb/Walmart
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Orlando, FL 32896-5024

Syncb/jcp
PO Box 965007
Orlando, FL 32896-5007

Synchrony Bank
c/o Recovery Management Systems Corp
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

TMX Finance of Florida, Inc
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Jacksonville, FL 32225-6568

U.S. Bank Home Mortgage
U.S. Bank National Association
4801 Frederica Street
Owensboro, Kentucky 42301-7441

US Bank Home Mortgage
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Uac/sst
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Wells Fargo Card Services
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3rd Floor
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Note: Entries with a '+' at the end of the name have an email address on file in CMECF

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Cap One PO Box 85520 Richmond, VA 23285-5520	Direct TV PO Box 78626 Phoenix, AZ 85062-8626	Internal Revenue Service 400 W Bay St Jacksonville, FL 32202-4410
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Portfolio Recovery Attn: Bankruptcy PO Box 41067 Norfolk, VA 23541-1067	(d)Portfolio Recovery Associates, LLC POB 41067 Norfolk VA 23541	Professional Debt 7948 Baymeadows Way Fl 2 Jacksonville, FL 32256-8539
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